

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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GERALD DEMOTT, JR. and TERRY  
DEMOTT,

Plaintiffs,

vs.

**STIPULATION OF  
DISCONTINUANCE**

Case No. 3:10-cv-00158

SUMMIT TREESTANDS, LLC,

Defendant.

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**IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned, the attorneys of record for all parties to the above-entitled action and pursuant to FRCP 41, that whereas no party hereto is an infant or incompetent person for whom a committee has been appointed and no person not a party has an interest in the subject matter of the action, the above-entitled action be, and the same hereby is discontinued against the defendant, with prejudice, on the merits waiving all rights of appeal, without costs to either party as against the other. This stipulation may be filed without further notice with the Clerk of the Court.

DATED: October 26, 2011

**SMITH, SOVIK, KENDRICK & SUGNET, P.C.**

By:

  
\_\_\_\_\_  
Edward J. Smith, III, Esq.

Bar Roll No. 502012

Attorneys for Plaintiff

250 S. Clinton Street, Suite 600

Syracuse, New York 13202

DATED: October \_\_\_\_, 2011

CLARK HILL, PLC

By: 

Milton S. Karfis, Esq.

Bar Roll No. \_\_\_\_\_

Attorneys for Defendant

500 Woodward Avenue

Suite 3500

Detroit, MI 48226

IT IS SO ORDERED:

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David E. Peebles

U.S. Magistrate Judge

Dated: October 27, 2011